

**May 23, 2007**

CLARENCE MADDOX  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
07-20405-CR-MARTINEZ/BANDSTRA**  
Case No. \_\_\_\_\_

18 U.S.C. § 1347

18 U.S.C. § 2

**UNITED STATES OF AMERICA**

**vs.**

**MARIO MIRA,**

**Defendant.**

**INFORMATION**

The United States Attorney charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Information:

**The Medicare Program**

1. The Medicare Program ("Medicare") was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services ("HHS"), through its agency, the Centers for Medicare and Medicaid Services ("CMS"), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).



3. Part B of the Medicare Program was a medical insurance program that covered, among other things, certain physician and outpatient services, and other health care benefits, items, and services, including durable medical equipment (“DME”), that were medically necessary and ordered by licensed medical doctors or other qualified health care providers. DME is equipment that is designed for a specific medical purpose and for repeated use, such as wound care supplies, knee braces, prosthetic limbs, back braces, wrist braces, and wheelchairs.

4. For Florida Medicare beneficiaries, Palmetto Government Benefits Administrators (“Palmetto GBA”), had a contract with HHS to receive, process and pay claims by Medicare beneficiaries for reimbursement for the cost of DME and related health care benefits, items, or services supplied or provided to such beneficiaries.

#### **Medicare Billing and Payment Procedures**

5. A DME company that sought to participate in Medicare Part B and bill Medicare for the cost of DME and related benefits, items, and services was required to apply for and receive a “supplier number.” The supplier number allowed a DME company to submit bills, known as “claims,” to Medicare to obtain reimbursement for the cost of DME and related health care benefits, items, and services that a DME company had supplied or provided to beneficiaries.

6. To receive payment from Medicare, a DME company, using its supplier number, would submit a health insurance claim form, known as a CMS-1500. Medicare permitted DME companies to submit a CMS-1500 electronically or by way of a paper claim form. Each claim form required certain important information, including: (a) the Medicare beneficiary’s name and identification number; (b) the identification number of the doctor or other qualified health care provider who ordered the health care benefit, item, or service that was the subject of the claim; (c)



the health care benefit, item, or service that was provided or supplied to the beneficiary; (d) the billing codes for the benefit, item, or service; and (e) the date upon which the benefit, item, or service was provided or supplied to the beneficiary.

7. Medicare, through Palmetto GBA, generally would pay a substantial portion of the cost of the DME or related health care benefits, items, and services that were medically necessary and ordered by licensed doctors or other qualified health care providers.

### **The Defendant and Company**

8. Defendant, **MARIO MIRA**, was the owner of a DME company, Mario & Clara Medical Supplies, Inc., (hereinafter, "M & C"), located at 201 S.W. 22<sup>nd</sup> Avenue, Suite 2, Miami, Florida, in Miami-Dade County, from M & C's incorporation in 2005 through on or about November 20, 2006 when a request was submitted to the State of Florida to dissolve the company.

9. M & C obtained Medicare supplier number 5417080001 in or around April 2005 and was thus authorized to submit claims to Medicare for DME benefits, items, and services. From in or around January 2006 through in or around November 2006, M & C submitted approximately \$2,554,463 in claims to Medicare, seeking reimbursement for DME benefits, items, and services that M & C supposedly had provided to Medicare beneficiaries. In response to these claims, Medicare paid M & C approximately \$728,019.11.

### **Health Care Fraud** **(18 U.S.C. § 1347)**

1. Paragraphs 1 through 9 of the General Allegations section of this Information are realleged and incorporated by reference as though fully set forth herein.



2. From in or around January of 2006, and continuing through in or around November 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**MARIO MIRA,**

in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud Medicare, a health care benefit program affecting commerce, as defined by Title 18, United States Code, Section 24(b), and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, Medicare, that is, the defendant caused M & C to submit false and fraudulent claims to Medicare, seeking reimbursement for the cost of various DME items and services.

**Purpose of the Scheme and Artifice**

3. It was the purpose of the scheme and artifice for the defendant to unlawfully enrich himself and others by, among other things: (a) submitting or causing the submission of false and fraudulent claims to Medicare; (b) concealing the submission of false and fraudulent Medicare claims; and/or (c) diverting fraud proceeds for the personal use and benefit of himself and others.

**The Scheme and Artifice**

The manner and means by which the defendant sought to accomplish the purpose of the scheme and artifice included, among others, the following:

4. **MARIO MIRA** caused M & C to submit approximately \$2.6 million to Medicare claims for DME-related reimbursement, such claims falsely and fraudulently representing that DME items and services were medically necessary and had been provided to Medicare beneficiaries.



5. As a result of such false and fraudulent claims, **MARIO MIRA** caused Medicare to make payments to M & C in the approximate amount of \$728,000, and such payments were deposited into M & C's corporate account, Washington Mutual account number xxxxxx3024.

6. **MARIO MIRA** then transferred and disbursed, and caused the transfer and disbursement of, monies in M & C's corporate account to himself and others, including, but not limited, to transfers to **MIRA's** personal bank accounts, Washington Mutual account number xxxxxx9815 and Bank of America account number xxxxxx3977.

**ACT IN EXECUTION OF THE SCHEME AND ARTIFICE**

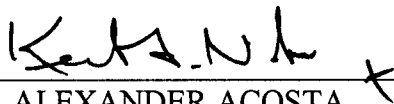
7. On or about the date set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, **MARIO MIRA**, in connection with the delivery of and payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, that is Medicare, and to obtain, by means of materially false and fraudulent pretenses,

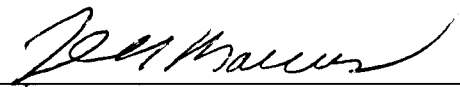


representations, and promises, money and property owned by, and under the custody and control of said health care benefit program:

Medicare Beneficiary	Approx. Date of Claim	Medicare Claim Number	Item Claimed; Approx. Amount Claimed
M.S.	08/16/2006	106228785378000	Wheelchair; \$4,848.50

In violation of Title 18, United States Code, Sections 1347 and 2.

  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JEFFREY E. MARCUS  
ASSISTANT UNITED STATES ATTORNEY



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**UNITED STATES OF AMERICA****CASE NO.** \_\_\_\_\_**vs.****MARIO MIRA,****CERTIFICATE OF TRIAL ATTORNEY\***Defendant. /**Superseding Case Information:****Court Division:** (Select One)

☒ Miami    ☐ Key West  
☐ FTL    ☐ WPB    ☐ FTP

New Defendant(s)    Yes ☐    No ☐  
Number of New Defendants    \_\_\_\_\_  
Total number of counts    \_\_\_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the information, the number of defendants, the number of probable witnesses and the legal complexities of the information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish

- This case will take 0 days for the parties to try.

- Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<input checked="" type="checkbox"/>
V	61 days and over	_____		

- Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. \_\_\_\_\_

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes ☒ No

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes ☒ No  
If yes, was it pending in the Central Region? Yes ☐ No ☐

- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes ☐ No ☒

- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes ☒ No ☐

  
**JEFFREY E. MARCUS**  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 310890



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**PENALTY SHEET**

**Defendant's Name** **MARIO MIRA**

**Case No:** \_\_\_\_\_

**Count 1**

**Health Care Fraud**

**18 U.S.C. § 1347**

**\* Max. Penalty: 10 years' imprisonment**

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**